

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for granting the telephone interview conducted on August 4, 2009. During the interview, a proposed amendment was presented by the applicant's representative. A further explanation regarding the distinctions between the claimed subject matter and the prior art references, namely Garrett and Jacobi, was presented as well. In particular, the cited references fail to disclose all the limitations as required in proposed independent claim 1. The Examiner agreed to perform a further search and reconsider the application in light of the argument and proposed amendment presented during the interview.

By the present amendment, claims 1, 3, 10, and 19-22 remain in this application. Claims 11 and 12 are canceled in the present application while claims 2, 4-9, and 13-18 have been canceled previously. Claims 23-25 are newly added without introducing new matter. Applicant amends claims 1, 3, 10, and 19-22 in the present application to more clearly and particularly describe the claimed subject matter. Applicant respectfully requests reconsideration and allowance.

Claim Rejections - 35 USC § 103

Claims 1, 3, 10-12, and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Garrett (US 6,473,738 B1) in view of Jacobi *et al.* (US 7,113,917 B2), hereinafter "Jacobi". The rejection is respectfully traversed for at least the following reasons, although independent claims 1, 10, and 21 have been amended to distinguish further the claimed subject matter from the references. The amendment is supported by the disclosure in the specification (see pp. 10, lines 1-28 and Fig. 4).

Amended independent claim 1, in part, explicitly requires the steps of “determining, by the computerized transaction system without prompting the user whether the computerized transaction is associated with the user or whether the computerized transaction is associated with the user on behalf of a third party” and “establishing, by the computerized transaction system without requiring the user’s request, the giftee profile based on said determining if the computerized transaction is associated with the user on behalf of the third party, wherein the giftee profile corresponds to the third party and is associated with a user profile corresponding to the user”.

Garrett discloses a method of merchandising items including generating a list of names for whom a customer may associate items. However, the list is generated by the customer and the selected items are associated to the names on the list by the customer (see col.3, lines 46-53). Therefore, the lists taught by Garrett are generated by the user’s request, and are not established by the computerized transaction system without requiring the user’s request, as set forth in amended claim 1.

Jacobi also fails to disclose the above-mentioned limitations. Jacobi discloses creating multiple shopping carts and obtaining recommendations that are specific to the particular cart. Again, the multiple shopping carts are created and designated by the user in the Jacobi reference (see col.6, lines 28-37), but not by the computerized transaction system without requiring the user’s request, as set forth in amended claim 1. Moreover, Jacobi does not disclose that the establishing the giftee profile is base on the step of the determining.

For the above reasons, Garrett and Jacobi, either alone or in combination, fail to disclose all limitations as required in claim 1. Therefore, applicant respectfully submits that claim 1 is allowable over the references, and withdrawal of the rejection is respectfully requested.

Similar to the explanation above with respect to the patentability of claim 1, Garrett and Jacobi fail to disclose all limitations as required in amended independent claims 10 and 21. Thus, it is respectfully requested that the rejections of claims 10 and 21 be withdrawn.

Claims 3, 19, 20, and 22 depend from any one of independent claim 1, 10, or 21 and are, therefore, allowable for at least the reasons provided in support of the allowability of claims 1, 10, and 21.

Claims 11 and 12 have been canceled in the present application.

Claims 23-25 have been newly added to the application. Claims 23-25 are patentable as they do not introduce any new matter and define further features not disclosed in or suggested by the cited references.

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No. ACER-45262.

Respectfully submitted,
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